

Amendment
Serial No. 10/684,885

IN THE DRAWING

Please replace the original Figure 4 with the replacement sheet Figure 4.

REMARKS

Claims 1-20 are pending. Claims 16-23 have been withdrawn from the examination. Claims 1-11 and 13-15 stand rejected. Claim 1 is an independent claim.

Drawing stand objected for allegedly including references number 42, 43, and 45 that are not mentioned in description. In response, applicant has removed references 42, 43, and 45 from the drawings. Thus, Applicant respectfully requests removal of the objection.

Drawing stand objected for allegedly failing to include an illustration of the “light blocking layer formed over a whole substrate,” as recited in claim 10.

According to 35 U.S.C. 113, the statute that governs and preempts the federal regulation on patent application drawings, all features recited in a claim need not be shown. The statute provides that an “applicant shall furnish a drawing where necessary for the understanding of the subject matter to be presented” (emphasis added) (See also 37 C.F.R. 1.81(a) [repeating the same requirement]). According to the United States Court of Appeals for Federal Circuit,

[p]atent documents are written for persons familiar with the relevant field; **the patentee is not required to include in the specification information readily understood by practitioners**, lest every patent be required to be written as a comprehensive tutorial and treatise for generalist instead of concise statement for persons in the field.

(Verve, LLC., v. Crane Cams, Inc., 311 F.3d 1116, 1119, 65 USPQ.2d 1051 (Fed. Cir. 2002) (emphasis added)). Applicant believes that a person of ordinary skill in the art would not need drawings that illustrate the light blocking layer formed over the entire surface of the substrate to fully understand the subject matter of the present invention. It is information readily understood by practitioners even without a drawing. Accordingly, applicant respectfully submit that the drawings illustrating the light blocking layer formed over the entire substrate is not necessary, and applicant respectfully requests removal of the objection.

Applicant wishes to thank the Examiner for indicating that claim 12 would be allowable if claim 12 is rewritten as an independent claim incorporating all features of the base claim 1. At this time, applicant wishes to defer rewriting claim 12.

Claim 1 stands rejected under 35 U.S.C. ' 102(e) as allegedly being anticipated by Okada *et al.* (U.S. 6,904,209) (“Okada”).

Claim 1, as amended, recites “an optical waveguide having an optical coupling portion..., said waveguide having inclined surfaces adjacent to the optical coupling portion...; and a light blocking layer formed over the inclined surfaces...”

The support for the amendment can be found in Figure 3 and 4 and at page 7, line 22 – page 8, line 23. As shown in Figure 3 and 4, the waveguide has an optical coupling portion and inclined surfaces beside the optical coupling portion, and a light blocking layer is formed on the inclined surfaces of the waveguide.

Okada discloses an optical communication module. However, nowhere in Okada is there a disclosure of a light blocking layer formed on the inclined surfaces of the waveguide, as recited in claim 1. Instead, Okada discloses a waveguide with an inclined optically coupling portion, an inclined surface surrounding the coupling portion (near region 5), and a light blocking layer covering only a portion of the flat top and lateral surfaces of the waveguides (see Figure 6 and 7 (showing a light blocking layer that is not formed on the inclined surfaces of the waveguide)).

Okada, therefore, fails to show or anticipate “an optical waveguide having an optical coupling portion..., said waveguide having inclined surfaces adjacent to the optical coupling portion...; and a light blocking layer formed over the inclined surfaces...,” as recited in claim 1. As Okada fails to show or anticipate all features of claim 1, Okada fails to anticipate or render claim 1 obvious. Applicant respectfully requests removal of the rejection in accordance to such

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non-anticipation and non-obviousness.

Other claims in this application are each dependent on the independent claim 1 and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of the patentability of each on its own merits is respectfully requested.

Should the Examiner deem that there are any issues which may be best resolved by telephone, please contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

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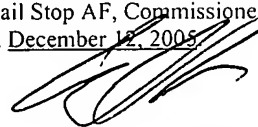
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(Name of Registered Rep.)



(Signature and Date)